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ABSTRACT

This paper asserts that one part of a comprehensive control system for school construction projects is a citizen oversight committee. It suggests that citizen oversight committees are a cost-effective and politically important method for supplementing a school board in its monitoring and oversight functions. Inaddition, the committee acts as a means of engaging the public to increase accountabiiity, meeting the public's desire to ensure taxpayer dollars are used effectively, efficiently, and equitably. The paper provides information on the advantages associated with having a citizen oversight committee as well as lessons and promising practices on how to develop and implement a committee. Ten districts with citizen oversight committees in place we reinterviewed to determine promising practices that are most effective in fulfilling the responsibilities and achieving the advantages of an oversight committee. (EV)

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Citizen Oversight of Public School Construction Programs

In Search of Promising Practice

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Introduction

The current national budget for school facilities improvements and construction is greater than at any point in history. While the overall economy has suffered in recent years, school capital projects are "bucking the trend" as the resources dedicated to facilities improvements continue to increase. In 2001, $26.8 billion dollars was spent on school capital projects, a 24 percent increase from the previous year.[1] The reason for these increases is both the declining condition of schools due to ageing and poor maintenance and a burgeoning student population. In Washington, D.C., for example, until a recent school was constructed through a public/private partnership, a new school had not been constructed for over 20 years.[2] In addition, student populations have been increasing at a shocking rate. In Las Vegas, Nevada student enrollment has increased at a shocking rate, doubling in the past ten years.[3] The growing student population in Los Angeles has meant the number of school construction projects has jumped from an average of 3.5 per year prior to 2001 to 17.5 per year through 2010.[4] While these examples illustrate the extremes, communities all across the country are coming together to fund major school building improvements.

The increased funding for school facilities improvements and construction has presented district leaders with the challenge of monitoring and overseeing these large-scale construction projects. The district leadership, usually the school board, is responsible for overseeing the facilities office's management of large-scale construction projects. The monitoring and oversight of capital projects is a burdensome responsibility considering the demanding nature of the school systems primary focus: meeting the academic needs of the students. The school board will also be asked to vote on plans and designs, the architect, and construction contracts. However, most board members do not have professional skills related to capital project management. Their lack of experience and time to commit to oversight can hamper their ability to oversee the work of the facilities office and the private contractors involved with the projects. This is particularly worrisome considering the high potential for corruption in the construction process and the general public mistrust of large private industries using public funds.

Even though the school board and other school officials may not have the expertise or time to effectively oversee capital projects, they are still responsible for the decisions and quality of the capital construction program. If they are to exercise their authority responsibly, internal and external controls must be in place to ensure a cost-effective, timely, equitable, and educationally appropriate building program. One part of a control system can be a Citizen Oversight Committee. Citizen Oversight Committees are a cost-effective and politically important method for supplementing a school board in its monitoring and oversight functions. In addition, the committee acts as a means of engaging the public to increase accountability, meeting the public's desire to ensure taxpayer dollars are used effectively, efficiently, and equitably.

[1] Agron, Joe. *Bucking the Trend.* American School and University. May 2002.
[2] 21CSF Report on Oyster Elementary School
[3] Census Bureau data, 2002.
[4] Correspondence, Tom Rubin, February 10, 2003.

Purpose and Methodology

This paper provides information on the advantages associated with having a Citizen Oversight Committee as well as lessons and promising practices on how to develop and establish a committee. We interviewed ten districts with citizen oversight committees in place to determine some promising practices that are most effective in fulfilling the responsibilities and achieving the potential advantages of an oversight committee. These districts include Cleveland, Ohio; Jefferson County, Colorado; Las Vegas, Nevada; Los Angeles, Oakland, Sacramento and Salinas, California; San Antonio, Texas; Miami-Dade, Florida; and Wichita, Kansas. Table 1 provides characteristics of each district.

Table 1: Characteristics of the ten oversight committees reviewed for this report.

Bond Oversight Committees	Funds Overseen	Number of Schools	Number of Students	Construction	Maintenance
Los Angeles	$5,750,000,000*	947	907,000	Yes	No
Sacramento	$195,000,000	80	53,000	Yes	Yes***
Salinas	$52,000,000	10	14,500	Yes	Yes
Wichita	$284,500,000	94	48,962	Yes	No
San Antonio	$609,500,000**	93	57,621	Yes	No
Las Vegas	$3,500,000,000	277	254,912	Yes	No
Jefferson County, CO	$400,000,000	147	87,240	Yes	No
Cleveland	$335,000,000	122	77,000	Yes	Yes
Oakland	$303,000,000	91	53,108	Yes	No****
Miami-Dade	$343,000,000	307	370,000	Yes	No

* Includes two bond measures (Proposition BB and Measure K). Total does not include private funds and other district funds that increase the value to over $10 billion. ** Includes two bond measures *** Follow-up maintenance of capital projects only. **** There is a separate committee for maintenance.

The interviews were conducted with chairs and members of the oversight committees, directors and employees of facilities offices, financial and program auditors, school board members, and a superintendent. In addition to the interviews, we reviewed the legislative mandates and charters of these committees and other relevant literature and websites related to their work. The committees had been in place for between 12 years to less than one year. We also conducted a literature review of relevant materials on oversight and audit committees in the public and private sector.

The report is not intended to judge the effectiveness of the individual oversight committees. Instead, we gathered the information on their successes and failures so that others considering establishing similar committees can benefit from their achievements and learn from their mistakes. One may note that four of the ten committees were in

California. This is due in part to the recently passed legislation, entitled Proposition 39[5], that encouraged districts to attempt bond measures by lowering the amount of votes required for passage from 66.6 percent to 55 percent in exchange for certain requirements that include establishing oversight committees. While the bonds in Oakland, Sacramento, and Los Angeles were in place prior to its passage in 1998, Salinas took advantage of the lowered required passage level. In addition, the Miami-Dade charter was not included in the charter analysis because it was developed by the state as opposed to the local school districts.

Citizen Oversight Committees

Cities from around the country have begun to establish oversight committees to oversee funds dedicated to facilities improvements. The committee is typically commissioned by the school board to help them fulfill their monitoring and oversight roles. Committee members are usually volunteers who may or may not have professional experience related to construction management. There primary function is to oversee the two types of control mechanisms: internal and external. The committee is a type of external control.

? **Internal Controls** are defined as the policies and procedures established by management to ensure the "effectiveness and efficiency of operations, reliability of financial reporting [and] compliance with applicable laws and regulations."[6] The procedures include the methods by which information is identified, collected, and communicated to the administration and the public.

? **External Controls** may include audits and analyses of the capital programs finances and policies by an entity unrelated to the districts management. The audits may be conducted by municipal or state auditors or independent auditors that are hired by the district to oversee all or specific portions of the capital programs implementation.

The role of the citizen's oversight committee is to complete a "feedback loop" by overseeing other control mechanisms – both internal and external – and reporting regularly to the school board and public, either to highlight successes or identify areas for improvement, often making recommendations based on their findings. The committee then ensures recommendations are acted upon so the controls are constantly improved and updated.

Advantages of an Oversight Committee

The interviewees noted political, social, and managerial advantages to the oversight committee that acted as motivating factors for their implementation. Acknowledging these advantages is important because while the oversight committee may not be expensive, filling any gaps the committee finds in the controls may require expending precious resources. Hence, understanding the benefits of having an oversight

[5] See California Education Code, Section 15278 – 15282.
[6] Committee of Sponsoring Organizations of the Treadway Commission, 1992.

committee can help influence stakeholders, such as the school board and facilities staff members, to support establishing a committee.

Political Advantages

The political advantages of an oversight committee can be divided into two general areas: gaining public confidence in district management and providing politicians with an opportunity to visibly contribute to school improvements. School districts have found that promising to create citizen oversight committees has been an invaluable tool in increasing public confidence in capital program management. As an example, a bond measure to increase capital spending for Los Angeles schools failed by a narrow margin in 1996. Only five months later, the district decided to establish a bond oversight committee as a means of building voter confidence and a virtually identical bond passed by a comfortable margin[7]. While the oversight committee may not be the sole reason, many believe it was the primary contributor to the change of heart. San Antonio attributed the passing of a second bond initiative to the school board promising to continue support for the oversight committee. Sacramento and Wichita also reported that gaining public confidence was a motivation for the committee's creation.

Politicians are also offered the opportunity to visibly involve themselves in improving the schools and, as a result, increase their public support. Education issues in general are typically very popular with voters. In Salinas, the school board was eager to be involved in the creation of the committee because they were afforded the opportunity to appoint constituents as members who play a vital role in ensuring tax dollars are spent effectively, efficiently, and equitably. The committee can also be helpful in publicizing what *is* working in the capital programs implementation, generating positive media for the school district. It should be noted, however, that if the oversight committee is not provided with necessary information and resources to work effectively, the members and the public may feel as if the committee was only a political ploy. In spite of this pitfall, the oversight committee, when utilized effectively, can serve as an asset to elected officials.

Social Advantages

The social advantage of forming a committee is primarily concerned with empowering diverse members of a community to work together to improve the schools. In Salinas, for example, the Superintendent ensured there was racial diversity on the committee. The Oakland oversight committee members were selected to represent different sections of the city that are often isolated from each other. In Los Angeles, members were selected from organizations that represent diverse stakeholders, such as the Parent Teachers Association and the local construction union. Members who do not have adequate technical knowledge may receive training or, as in Los Angeles, receive consistent support from a hired professional auditor. The successful and visible collaboration of a diverse group that is empowered with necessary knowledge can set a positive example for the city.

An oversight committee also engages the business community in improving the public infrastructure. The committee provides an opportunity for public – private collaboration to ensure students have quality schools for years to come. The Jefferson

[7] Personal interview, Tom Rubin, September 23, 2002.

County oversight committee, for example, relies heavily on people in professions related to construction and development to become members of the committee. The improvement of the schools is an enormous project that will not be successful without engaging the private sectors support. The oversight committee provides this opportunity.

Management Advantages

The management advantage – free professional consultation – is perhaps the most obvious, but can be a valuable resource to school boards lacking in construction management experience. Even when an office is experienced, having professional advice and an "extra pair of eyes" is never harmful when monitoring a school construction program. In Jefferson County, CO and San Antonio the school administration acknowledged the valuable input of the committee members who have experience in construction and finances – some of over 40 years. It should be noted that the professional expertise can be perceived as a hindrance or, in the worst case, a threat to the professionalism of the facilities management staff, stressing the relations between the committee and the administration. The maximum benefit from the professional exchange is achieved when the management leadership, staff, and committee members nurture a relationship that allows for candid conversations that respect individual professional abilities.

The advantages mentioned above reveal that the citizens' oversight committee can be a powerful tool for a school community even if there are adequate internal and independent controls in place. The districts involved in the study vary in the amount of controls present in the school system. But no matter how many controls were in place, the value of the committee in achieving political, social, and professional gains serve as means to motivate stakeholders to support the formation and work of an oversight committee.

Preparation for the Oversight Committee

In general, a piece of legislation establishing the oversight committee or a guarantee in the bond measure for its creation provided the initial purpose and scope of the committee's work. Oakland and Cleveland's legislation creating the committee remains the sole source for guidance concerning the committees work. In Oakland, the lack of explicit guidance in the legislation has caused the members tremendous frustration. In Cleveland, a combination of a more comprehensive legislative mandate, the hiring of an expert to act as the committee director, and publicly recognized leadership have allowed the committee to be more effective. In general, an additional document, such as a charter, provides the committee additional guidance.

The Importance of Leadership, Resources, and Data Collection Systems

Much of the success of the oversight committee seems to be decided prior to the committee's actual creation. The leadership's commitment to the oversight committee and the resources at its disposal strongly influence the quality of oversight they will perform. Having established data collection systems are also imperative to ensuring the committee can be effective.

Leadership

The Las Vegas and Los Angeles organizational documents demonstrate the commitment of the leadership by having a clearly defined and documented scope that lists the responsibilities of the committee, the resources available to them, and their authority to access information. The director of the Sacramento facilities office also noted that all the entities the oversight committee would oversee (i.e. the facilities office, independent auditors, etc.) were informed and consulted during the creation of the committee to ensure buy-in. In Oakland, on the other hand, a recently created committee was created with little clarification of its roles and responsibilities. Despite multiple appeals to the school board to make changes, the leadership has not been supportive and seven of fifteen members resigned because they felt they were ineffective.

Promising Practice

The leadership must ensure there is buy-in from all entities that are to be overseen. In creating the legislation and other documentation that will guide the oversight committee, all stakeholders must be informed and consulted. The resulting documentation must be clear concerning the authority of the committee and the commitment of leadership to their work.

Resources

Cleveland hired a full-time engineer and Los Angeles contracted a financial auditor, both having extensive experience with construction program and project management essential for their positions, to act as a constant resource for the committee. The employees provide consistent support to the oversight committee and act as liaisons between the committee and the School Board and administration. In both these cases, the school administration and staff respect the committee because the school leadership has ensured there is a consistent professional means to verify and process the information the committee is provided. Sacramento can request resources from the district's Chief Financial Officer so they can request audits. Similarly, Las Vegas has set aside $80,000 for the committee to use for contractors to conduct various audits.

Promising Practice

The amount of resources a committee needs is a function of how many controls are in place. If there are few controls in place, the committee will need resources to do audits to determine what is needed. Regardless, the committee should have access to funds to conduct audits and obtain expert advice. If the committee does not have adequate expertise, hiring a professional related to construction management to inform the committee and verify information is highly recommended.

Data Collection Systems

The Sacramento and Las Vegas oversight committees have specified procedures for the oversight committee to obtain data concerning project progress, budget information, and work quality. In Los Angeles, when the information collection systems

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were found to totally inadequate, which resulted in some members leaving the committee because they felt they could not perform their assigned roles, the remaining members made recommendations that led to an immediate effort to gather necessary data and establish a system by which information is collected. The Oakland committee chair noted that the data gathering systems are not in place to provide them with the essential reports they need, making it impossible to conduct oversight.

Promising Practice

All the data that the committee will need to do the oversight they are commissioned to do must be accounted for prior to its inception. Systems by which the information is collected and reported monthly should be clarified with all stakeholders and documented clearly.

The Charter

Along with effective leadership and adequate resources and data collection systems, the charter will determine the success or failure of an oversight committee. The charter contains everything from the scope of the committee's responsibilities to the procedures for running meetings. A thorough charter limits the ambiguity of roles, authority, and procedures that can plague a committee's work. Both the development of the charter and the elements the charter addresses will determine its success.

Development of the Charter

The development of the charter will determine the level of buy-in from the members of the committee, those that will be overseen, and the public at-large. The development of a charter followed either of two paths:

1) The facilities office and the board develop the charter independently prior to the establishment of the committee.

2) The oversight committee, once selected, work collaboratively with the district leadership to develop the charter.

In the first case, the district administration and the board collaborate to create the scope and define the resources available to the committee prior to its development. In San Antonio, the administration developed the initial oversight committee charter based on the four major aspects of the facilities program: communications, finance, design, and construction. The oversight committee's scope and information flow is divided into sub-committees that work with each of these areas to ensure the audit processes are functioning appropriately. Jefferson County, Colorado followed a similar path, but the committee members are somewhat frustrated with the limited scope and whether there are enough members to address all the important aspects of the facilities projects.

The second pathway for developing the charter – through the collaboration of district leadership and committee members – typically resulted from the failings of the original legislation to effectively define the scope of the committee. In Sacramento, the original legislation provided some boundaries on the committee's work. However, the committee members still had varying expectations which left them working on multiple

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projects without a unified goal. Recognizing that their efforts were not focused, the committee worked with the school leadership for six months to develop a comprehensive charter. The resulting document has universal buy-in from all stakeholders and is clear enough to focus their efforts. The Salinas oversight committee is also in the process of developing their charter and they have found that collaborating with the Board and school administration to be helpful in clarifying roles.

It is important to note that, as Securities and Exchange Commission's (SEC) Blue Ribbon Committee on Improving the Effectiveness of Corporate Audit Committees[8] made clear, the charter is a living document that must be regularly evaluated and revised. All stakeholders need to be aware that changes can be made with approval from the board. The San Antonio, Los Angeles, and Las Vegas oversight committees have continually refined their charters from its initial development by the school board and administration and the most recent revisions are quite comprehensive.

Promising Practice

The development of the charter should include a combination of the two pathways. Some elements of the charter should be defined by the school leadership prior to the committee's establishment while others are best left to be developed collaboratively with the members. The purpose and scope of the work should be developed by the school leadership prior to member selection to ensure candidates understand the role of the committee. In addition, certain logistical elements such as the selection process, term limits, and conflict of interest must be established before the committee's development. However, other specifics of the charter, such as the committee structure and meeting procedures, could be left to the committee to give them a sense of ownership in the final document. The committee should be encouraged to add these aspects and place them in the charter as soon as possible in order to establish the basic structure and procedures for the committee, avoiding potential conflicts in the future.

Two important factors should be clear when developing the charter:

1) Members should be aware that the document is a living document and that if justifiable changes to the charter are needed that making requests to make changes can be done with the approval of the Board.

2) Developing the charter collaboratively with all the entities that will be overseen will help ensure all the information pathways will be open when the committee begins their work.

Key Elements of a Charter

Our analysis of the legislation and charters of the ten committees led to the conclusion that there are three key elements essential to all charters in addition to multiple logistical elements. The three key elements include:

[8] Securities and Exchange Commission, Report and Recommendations of the Blue Ribbon Committee on Improving the Effectiveness of Corporate Audit Committees, New York Stock Exchange and the National Association of Security Dealers, 1999.

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? Purpose and scope

? Access to information and authority

? Member expertise and capacity

These findings are in alignment with the recommendations for corporate audit committee charters made by the SEC's Blue Ribbon Committee.

Table 2 lists the key elements found in each of the charters reviewed for this report.

Table 2: Key elements in each charter

Element	LA	Sac	Sal	Wic	SA	LV	JC	Clv*	Oak*
Purpose and Scope	X	X	X	X	X	X	X	X	X
Access to Information and Authority	X			X	X			X	
Member Expertise	X	X			X	X	X		

Key: Los Angeles (LA), Sacrament (Sac), Salinas (Sal), Wichita (Wic), San Antonio (SA), Las Vegas (LV), Jefferson County, (JC), Cleveland (Clv), Oakland (Oak); * legislation.

The charters key elements will limit time spent clarifying roles and responsibilities prior to the committee's initial meeting. While the key elements may vary based on the specific issues in each district, they must be in all charters. These elements were found repetitively in most of the charters we reviewed, but some charters were more detailed than others.

Scope

The scope of the oversight committee's work was, in general, a reflection of the level of controls currently in place and the commitment of the leadership to the committee's purpose. Because Las Vegas has extensive control mechanisms in place and an experienced office that collects and maintains data, the scope of the committee's work was somewhat limited and very focused. In contrast, the scope of work was much more broad and overbearing for committees in districts such as Oakland and, prior to hiring the oversight consultant, Los Angeles that did not have many controls or extensive data collection systems in place. In these cases the committee was forced to play an expanded role, as either or both the independent and internal auditor, without the information required to perform oversight. The Sacramento charter's scope is extremely comprehensive and detailed, clearly defining the type of projects the committee oversees and the boundaries within which they committee operates.

Promising Practice

The specific areas the committee will oversee must be stated explicitly and clearly. The level of detail can be as specific as identifying types of construction and renovation projects or parts of the procurement process to oversee. The scope should also clearly identify the capital project funding streams the oversight committee will oversee. The authority of the committee to approve contracts and policies should be limited to making recommendations prior to their implementation.

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Access to Information and Authority

In general, the more committed the district leadership is to the purpose and scope of the committee, the more access the committee has to information. For example, Los Angeles' charter states that the committee has the same privileges to information as the Board and that the administration must respond to any recommendations or requests within 30 days in order to ensure the feedback loop is in place. The facilities offices in San Antonio and Wichita have designated employees responsible for getting any information the committee requests. While not explicitly mentioned in the legislation establishing the committee, a member reported that the public visibility and notoriety of the chairs in Cleveland ensures they get the information they need. A committee member in Sacramento noted that they always have the ability to go public in the case they have concerns that have not been addressed. However, negative publicity can be avoided with strong leadership and a charter that clearly lays out requirements concerning the time frame for responding to requests for information and acting upon recommendations.

Promising Practice
The charter must state the right of the committee to investigate all matters within their scope based on the resources available. The charter should have a minimum time allotted that the school board and/or administration must respond to requests for information -- preferably no more than 30 days. Such a time limit ensures the committee can get the information they need to provide timely and informed feedback. The committee should have liaisons from the internal and external control entities, the school facilities office, and the school board who can obtain any information the committee may request.

Member Expertise

The expertise desired in the membership is often reflective of the motivation for the oversight committee and the social environment in the district. The citizens who are appointed to the oversight committee often represent various professional interests, such as construction management and financial auditors, that the district leadership feel should be represented in order to carry out effective oversight. In Jefferson County, Colorado the district leadership was solely interested in ensuring members had strong professional experiences and thus appointed members with skills related to construction projects. However, a majority of the committees were also interested in providing an equitable representation to all members of the community. Wichita and Sacramento, for example, determined equity was of great importance and based selection on representing groups such as unions and neighborhood groups. Los Angeles continues to be interested increasing the diversity of the committee. Oakland wanted to be sure to draw members from different quadrants in the city.

Districts have found creative means to meet their need to balance equity and expertise. Some districts found people with the professional knowledge they desire from the groups they want represented. Salinas committed to providing training to the members in the construction management process and effective oversight. Los Angeles and Cleveland's professional staff members provide guidance to members who do not have professional expertise. In Wichita, the architectural contractor overseeing the

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facilities management plan is required to attend the oversight committee meetings to provide professional insight.

The Los Angeles oversight committee consultant noted that no matter the level of expertise, members must be dedicated to the committee and willing to give of their time. While training will help members to be effective, the effort they are willing to put forth can be equally important.

Promising Practice

The expertise on the committee must reflect the motivation for the committee and the scope of the work they are assigned to undertake. However, no matter the motivations, at least half of the members should be knowledgeable in finance and construction management and acquisitions. Hiring a consultant or committee staff member who is an expert in either of these areas may limit the number of members who need to have professional skills. However, members who do not have expertise should be provided training that will enable them to better understand and contribute to the committee's work.

Logistical Elements

Other than the key issues mentioned above, the charters typically covered numerous logistical elements. The logistical elements are important because volunteer committee members typically have limited time and energy to expend on oversight. Having guidelines that reduce the potential for logistical conflicts helps ensure the committee can focus on their oversight responsibilities. Below are the areas that the committee's mentioned as being important aspects of the charter and those that were either repetitive in multiple charters or considered to be unique and useful. The logistical elements are divided into two subgroups: membership elements and organization and procedures elements.

Membership Elements

Table 3 provides a list of the logistical elements related to committee membership found in each of the oversight committee charters reviewed for this report.

Table 3: Charter logistical elements by oversight committee

Charter Element	LA	Sac	Sal	Wic	SA	LV	JC	Clv*	Oak*
Selection Process	X	X	X	X	X	X	X	X	X
Quantity of Members	X	X	X		X	X	X		X
Attendance	X	X	X	X		X			
Replacement	X		X	X	X	X	X		
Terms	X	X	X			X			
Compensation	X		X						
Conflict of Interests	X				X			X	
Autonomy	X		X			X			

Key: Los Angeles (LA), Sacrament (Sac), Salinas (Sal), Wichita (Wic), San Antonio (SA), Las Vegas (LV), Jefferson County, (JC), Cleveland (Clv), Oakland (Oak); *legislation.

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Selection Process

The selection process is determined both by the relationship to the body the committee reports to – usually the local school board – and concerns about any conflict of interest. In general, the creation of the oversight committee represents the acknowledgement by the school board that they cannot fulfill the role alone and need some assistance. The board established the committee in most of the districts and, as a result, they appoint members to the committee such as in Salinas and Wichita. The San Antonio, Jefferson County, and Oakland school boards also permit the district superintendent to appoint a certain number of members. Having the school board select members typically ensures different parts of the city are represented because they usually select members to represent their electoral zone.

Los Angeles and Sacramento both wanted to avoid any apparent conflict of interest between the members and the Board and were, as a result, creative in determining how to select members. Los Angeles decided to have 15 organizations and public offices with interest in the construction and maintenance program appoint one member each. The Sacramento school board encouraged members of the community to apply for membership and the Chamber of Commerce and a popular interfaith organization worked together to select the members.

Promising Practice

Board members and the administration should have the right to appoint committee members only if the charter explicitly states the committee's autonomy in the charter (see below), eliminating the potential for accusations of conflict of interest. If the district wishes to eliminate any appearance of conflict of interest the charter may:

? Identify specific groups in the community that the Board agrees should be represented and have them appoint members, or

? Identify a group in the community to manage the selection process, which includes appointing members or selecting them based on applications and replacing vacancies.

Quantity of Members

The number of members on a committee depends in large part upon the scope of the committee's work, the size of the capital project, and who the Board wishes to have represented on the committee. The large scope and size as well as the number of groups that needed to be represented led San Antonio to have 56 members. However, a District official felt that a number between 10 and 25 members – the typical number for the other committees- would have been more appropriate. Proposition 39 in California requires an oversight committee to have at least 7 members, but Salinas, Sacramento, Oakland and Los Angeles (the largest of all the capital projects) all have 15 members. The balance of professional experts and community advocates may also help to define the number of committee members.

Promising Practice

The committee should have at least 12 members and no more than 18, and will vary depending on the size of the capital project and scope of the committee's work. Having less than 18 members makes the committee more manageable for the co-chairs and allows for adequately sized sub-committees.

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Attendance and Replacement Procedure

Attendance was in most cases mandatory. In Oakland, there was no provision for attendance and the consistent absence of members made it difficult to get a quorum. Los Angeles avoided this problem by stating that a member who misses either two consecutive meetings or three in the course of a year may be declared inactive and replaced by the organization the member represents or, if they refuse, the school board will select an alternative appointing organization. Salinas, Wichita, Las Vegas and Jefferson County have similar requirements with the school board charged with replacing delinquent members.

Promising Practice
Attendance should be mandatory and in the case a member misses either consecutive meetings or more than three meetings in a year they may be removed and replaced. The replacement procedure should be clear, with either the appointing or represented body acting within a specified amount of time to replace the member (usually no more than 30 days). Having two or three alternates available who were interested but not selected during the initial selection process will facilitate the replacement process.

Terms

All the committees had some limit on the length of a term, but the number of terms a member is allowed to serve was variable. California's Proposition 39 restricts committee members to two year terms for no more than two consecutive years. Los Angeles complied with this term-limit, but expressed displeasure with the requirement since the length of construction projects often runs longer than four years and retaining knowledge of individual projects – reducing the need for constant training – is a high priority. Las Vegas and Sacramento (where the committees were established prior to the passage of Proposition 39) both have two-year terms, but members can reapply indefinitely and be reappointed based on the quality of their service. In many cases districts are staggering the terms of the members in order to ensure information is not lost when members are replaced.

Promising Practice
Committee members and co-chairs should be assigned for two-year terms, but allowed to renew indefinitely with the approval of the Board based on consultation with other committee members. Maintaining expertise and experience for the duration of the construction projects is a priority and limiting the service of committed members is unnecessary.

Compensation and Conflict of Interest

Relatively few of the charters addressed issues of compensation and conflict of interest. The Salinas and Los Angeles charters stated that members were not to receive compensation. Many of the officials interviewed in other districts concurred that members should not be compensated; including Miami-Dade where the chairman of the committee spends up to 12 hours per week on committee work. San Antonio and Cleveland documented that members could not work for or represent contracted businesses or business interests working for the district. Members are required to sign statements declaring they have no conflict of interest with the potential of removal if members break this contract. In addition, the auditor working for the oversight committee in Los Angeles is prohibited from working or the district in any other capacity. Some charters do allow members an expense paid trip to a conference related to their oversight role with the Board's approval.

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Promising Practice
Members should not be paid in order to eliminate any potential conflict of interest in reporting to the board or administration. However, the members should have resources available to conduct investigations and attend any necessary training to facilitate their understanding of the required work. Members should also be restricted from working for the district in any other capacity and sign statements declaring that they have no other affiliations with the district or entities contracted by the district.

Autonomy

Ensuring the autonomy of the oversight committee was something all stakeholders mentioned as being very important, but it was not frequently addressed directly in the charters. The San Antonio facilities office recognized the importance of the committee having autonomy by noting that the committee, while independent, is still dependent on the facilities office for the information they need to conduct oversight. The committee is also dependent upon the district for resources to conduct audits or receive technical assistance. Cleveland ensured autonomy by obtaining funding to support the committee's work, over $400,000 in total, through foundations in the city as opposed to receiving funds from the district. Los Angeles mandated in legislation that the auditor consultant aiding the committee must be paid in order to ensure opinions and information provided to the committee was not biased.

Promising Practice
Ensuring the committee is not limited by the Board or the administration in their stated investigative rights or their ability to report to the public provides sufficient autonomy. . However, in the case the Board or the administration appoints or selects members, the charter should state that the committee members are not to be influenced by Board members and that members can not be removed by Board members without the approval of the committee as a whole. Clearly delineating the rights of the committee to obtaining information will also ensure they are in no way beholden to the leadership for obtaining information.

Organization and Procedures Elements

Table 4 lists the logistical elements related to the committee's organization and procedures.

Table 4: Logistical elements related to organization and procedures for each oversight committee.

Charter Element	LA	Sac	Sal	Wic	SA	LV	JC	Clv*	Oak*
Committee Structure	X		X	X	X				
Meetings	X	X		X	X	X			
Quorum	X		X	X		X			X
Meeting Procedures		X	X	X					X
Reporting	X	X		X	X		X	X	X
Public Involvement	X			X	X	X		X	
Administrative Involvement	X	X	X		X				

Key: Los Angeles (LA), Sacrament (Sac), Salinas (Sal), Wichita (Wic), San Antonio (SA), Las Vegas (LV), Jefferson County, (JC), Cleveland (Clv), Oakland (Oak), *legislation

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Committee Structure

The committee structure varies based on the scope of the work, the number of members, and the organization of the facilities office. The greater the scope of the work and the more members, the more defined the committee structure must be. In Jefferson County where the committee had five members and a relatively narrow scope, the work was very manageable for the committee as a whole. However, in Los Angeles where the size of the scope was quite broad, in part due to the size of the construction and maintenance initiative, it was prudent to divide the 11 members into small committees to address specific aspects of the work. In San Antonio, the committee of 56 members was divided into subcommittees covering four general areas related to project management: communications, finance, design, and construction. Wichita has divided the committee into four subcommittees that deal almost solely with reporting to the public and the board of education in order to manage these efforts effectively. Several charters also define how subcommittees can be created, the process for delineating their role, and how frequently they must report. The structure of the committee was in some cases clarified in later revisions of the charter.

Promising Practice
The committee's structure should reflect the structure of the construction management office so the work of the committee and the project management are in alignment. Such alignment facilitates the acquiring of information and communication with the administration. Sub-committees that are reflective of the facilities management project plan also helps to utilize specific member's expertise and interests and focus members on individual aspects of the project.

Meetings and Quorum

Meetings for the committee are most frequently held monthly or on an as needed basis. Special rules apply for calling meetings other than those that are regularly scheduled in order to ensure fair participation by all members. In Wichita the members meet monthly and the co-chairs or a majority of committee members can vote to have a special meeting. In addition, a special meeting must be called at least one week prior to the meeting date. Los Angeles, Salinas, and Sacramento have similar by-laws. Quorum is dependent on the level of coercion needed to ensure members attend meetings above and beyond mandating their attendance. Oakland had a quorum requirement, but when multiple members were not present, the committee could not act on pressing business.

Promising Practice
Meetings should be held at least monthly and the co-chairs should be able to call special meetings at least a week in advance. Setting a quorum is recommended in order to ensure a majority of members are aware of committee business and to provide additional incentive for members to attend.

Meeting Procedures

In order to ensure there are limited issues related to meeting conduct and personal relations, five charters mention rules of conduct, chair selection procedures, and processes for making recommendations to the Board. The Los Angeles charter outlines voting requirements

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for making recommendations to the school board. The Oakland charter states that the Robert's Rules of Order must govern the conduct of meetings. Sacramento's charter outlines much more specific guidelines for electing chairs, running meetings, and making agendas in order to prevent individual members from asserting their agenda and diverting the committee from priority business.

Promising Practice
The committee members should establish the process for how topics get placed on the agenda – which should be provided to members by the co-chairs at least three days before the meeting. It is also recommended that the committee establish rules of conduct that are tailored to their needs that should be added to the charter as soon as possible after the committee has been convened. The procedures should also state the number of votes required for making recommendations to the board and administration. Additionally, two co-chairs should be elected by the committee and they should be the only members who can make requests of and recommendations to the board, administration, and auditors in order to limit the sending of repetitive and non-consensus driven messages.

Reporting

The primary issues related to reporting are who the committee reports to and how often. The more demanding the scope of the work and the more intensive the project, the more frequently the committee will need to report. For example, a Jefferson County, Colorado oversight committee member was frustrated because during the summer, when most of the construction and maintenance is going on, the committee does not report because the school board is on recess. The Los Angeles committee is required to report quarterly, while the San Antonio oversight committee is required to report at least monthly, but may report more often if needed. Some charters required the committee to provide a final report to the board at the end of the school year. This report may lead to changes in the scope of activities outlined in the charter.

Promising Practice
The committee should report to the school board monthly and be considered a priority on the board meeting agenda if the committee needs to report urgently. Two or three members of the committee should be assigned to act as the spokespersons with other committee members present as needed. The committee should also be free to report to the public all recommendations and actions agreed upon by a majority committee vote. A year-end report made in collaboration with other external controls is also recommended.

Public Involvement

Most charters look to ensure the involvement of the public in as many ways as possible. In general, the charters made sure to declare that meetings are open to the public. The Wichita and Sacramento charters require the committee maintain a website that provides project updates, publishes meeting minutes and offers the public outlets for expressing concerns. California committee meetings are subject to the "Brown Act" which means all materials must be distributed in advance and discussion must adhere strictly to the written agenda. While not yet in the charter, Sacramento reports that having committee members serve as liaisons to individual schools has been an effective means for soliciting public comments. The Los Angeles

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committee meetings are not only open to the community, but also broadcast throughout the district.

Promising Practice
The charter should state clearly the medium – web-sites, newsletters, reports or meeting minutes, etc. – the committee is to use for reporting to the public. In addition, the meetings must be open to the public and interested citizens must be aware of how to get on the committee meeting agenda. The committee should also appoint members of the committee to be liaisons for specific projects who receive reports regularly both from the public and contracted entities and report back to the committee concerning on-site progress.

Administrative Involvement

A few district charters mandate Board members and administrators attend meetings in order to ensure the Board and the administration are up to date with the committee's efforts. In Salinas, the Superintendent or a representative are required to attend all meetings and in Sacramento a member of the Board is to attend all meetings. Los Angeles, on the other hand, explicitly states that no employee or official of the district is to attend any meetings. None of the charters require the presence of the internal or independent auditors at the meetings, but a document on public oversight committees out of Australia (where all public offices are required to have oversight committees) recommends that the auditors are present at all meetings[9].

Promising Practice
The committee members should be able to request the attendance of district officials or auditors at a meeting provided they give at least a week notice. A member of the Board or their staff should be required to attend all meetings in order to ensure they are aware of the committee's activities.

Conclusion

The rapid growth of school capital projects and the challenges associated with managing them demand effective oversight mechanisms are in place to prevent inefficient and corrupt activities. A citizen's oversight committee is an effective entity for ensuring school facilities construction and maintenance projects are well managed. The committees are most effective when overseeing the internal and external control mechanisms already in place.

There are many factors that contribute to the success of a committee's work. The development of the committee will have a tremendous impact. The commitment of the leadership to the committee's purpose and scope of responsibilities and the amount of resources available to the committee are primary determinates. In addition, having adequate data collection and reporting requirements enables the committee to effectively identify inefficiencies and corruption. Finally, a detailed and comprehensive charter that is developed in collaboration with stakeholders will drive the committee's vision and operation.

[9] Better Practice Guide: Audit Committees, Australian National Audit Office, June 1997. Available at http://www.anao.gov.au.

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Citizen's oversight committees are a cost-effective means of ensuring a capital program is managed efficiently, effectively, and equitably. The recent policy trends to improve accountability in public schools should include the management of capital programs. Providing citizen's the opportunity to ensure tax dollars are used appropriately is an effective means of gaining their confidence and utilizing private expertise. While some resources may have to be expended for their establishment, a commitment to oversight could actually save more money than it costs. Considering the potential public and financial benefits, policies supporting the establishment of oversight committees should be a top legislative priority.

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